REMARKS

Applicant is in receipt of the Office Action mailed December 14, 2004. Claims 1-9, 12-22, 25, 26, and 29-35 were rejected. Claims 1-35 remain pending in the application.

Claims 1-9, 12, 14-22, 25, 29-32, 34, and 35 were rejected under 35 U.S.C. §102(e) as being anticipated by Gurumoorthy et al. (U.S. Patent No. 6,829,725), hereinafter "Gurumoorthy." Claims 13, 26, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurumoorthy in view of Crippen et al. (U.S. Patent No. 6,688,965), hereinafter "Crippen." Applicant respectfully traverses the rejections in light of the following remarks.

Gurumoorthy discloses a system and method of launching an operating system (OS). A firmware interface may be initially launched on a computer system. The firmware interface may comprise logic to attempt launching an operating system using an OS loader. Upon detection that the attempt is unsuccessful, the computer system may be automatically reset.

Anticipation under §102(e) requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed below, Gurumoorthy fails to disclose numerous elements of the claimed invention.

In regard to claim 1, Applicant respectfully submits that Gurumoorthy does not teach or suggest "the system module <u>outputting a status signal for predetermined system status points</u> during state transitioning of the system module; and the monitor module being operable to start a timer <u>on detecting a first status signal</u> and resetting the timer <u>on</u>

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detecting a subsequent status signal" (emphasis added). Gurumoorthy does use a timer, located within the firmware of a computer system, to determine whether an attempt to launch an operating system has been unsuccessful. However, Gurumoorthy does not teach or suggest a monitor module which is operable to start and reset the timer. Gurumoorthy discloses an OS loader in the firmware but does not teach or suggest a system module, operationally connected to a monitor module, which undergoes state transitioning.

Furthermore, Gurumoorthy does not teach or suggest the outputting and detecting of status signals for predetermined system status points during state transitioning of a system module. At col. 6, lines 20-24 and 37-49, Gurumoorthy discloses:

> At block 210, the OS loader may set a watchdog timer to a prespecified time interval, attempt to launch an operating system, and wait at diamond 212 for either a detection of a successful launch of the operating system at block 214 or an unsuccessful attempt at block 218. ....
>
> Block 218 detects an unsuccessful attempt to launch when the watchdog timer expires before the operating system has been launched (i.e., the processing system is considered to be "frozen"). Upon detection of such an unsuccessful attempt, block 220 initiates a system reset at block 202. Otherwise, if the operating successfully launches before the watchdog timer expires, block 214 may disable the watchdog timer and terminate the OS loader before the operating system takes control of the processing platform at block 216. In the illustrated embodiment, block 214 may detect a successful launch of an operating system by, for example, detecting the completion of one more tasks initiated by the OS loader and the absence of one or more error conditions.

As disclosed in the cited passage, Gurumoorthy detects the success of an OS launch by monitoring the completion of tasks by the OS loader and the absence of errors. Gurumoorthy does not teach or suggest that the OS loader or operating system outputs status signals for predetermined system status points during state transitioning. In particular, there is no teaching or suggestion in Gurumoorthy for a system module outputting a first status signal (for a predetermined system status point) and a monitor module starting a timer on detecting the first status signal. Additionally, there is no

teaching or suggestion in Gurumoorthy for the system module outputting a subsequent status signal (for another predetermined system status point) and the monitor module resetting the timer on detecting the subsequent status signal.

Claims 10, 11, 23, 24, 27, and 28 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated above, Applicant asserts that claims 10, 11, 23, 24, 27, and 28 are allowable as depending from allowable base claims. Applicants therefore respectfully request allowance of claims 10, 11, 23, 24, 27, and 28 as currently pending.

For at least the reasons discussed above, Applicant respectfully submits that independent claims 1, 14, 29, 34, and 35 are patentably distinct from Gurumoorthy and Crippen, both individually and in combination. The remaining dependent claims provide additional limitations to the independent claims. Therefore, Applicant submits that claims 1-35 are in condition for allowance. Applicant respectfully requests withdrawal of the §102(e) and §103(a) rejections.
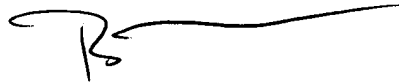
CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5681-71200/BNK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,

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